

Application No. 09/330,651
Amendment Dated April 12, 2004
Reply to Office Action of December 10, 2003

REMARKS

I. Summary of Office Action

Claims 1-13, 15-28 and 30-34 were pending in the application. Claims 1-3, 10-13, 15-19, 25-28 and 34 were withdrawn from the application, as being drawn to non-elected inventions.

Claims 5, 7-9, 20 and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mir et al. U.S. Patent No. 6,450,887 (hereinafter "Mir") and WO 97/09699 (hereinafter the "'699 publication").

II. Summary of Interview Summary

The Examiner, the undersigned and the undersigned's colleague Adam M. Saltzman, Reg. No. 52,188, conducted a telephonic interview on January 22, 2004. The undersigned and Mr. Saltzman wish to thank the Examiner for the courtesies extended during the interview.

Details of the interview will appear in the discussion below where appropriate. Generally, the Examiner contended in the telephonic interview that it would merely be a matter of design choice to modify FIG. 4 of Mir to include additional wager requirements. Applicants respectfully disagreed and

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pointed out that such a modification would require one skilled in the art to change the static nature of the display due to the relationship between wager requirements. The Examiner, in response, pointed out that applicants' claims did not clearly show the relationship between the wager requirements.

At the conclusion of the interview, the Examiner agreed that an amendment to the claims "would enhance prosecution of the case and more clearly define what the applicant is intending to claim" (February 2, 2004 Interview Summary, Continuation Sheet, lines 10 and 11).

III. Summary of Applicants' Reply to Office Action

Claims 5 and 20 have been amended, claims 35-44 have been added. Applicants respectfully submit that the subject matter of amended claims 5 and 20 and new claims 35-44 are fully supported by the specification as filed at, e.g., page 22, line 21, to page 25, line 21, and FIGS. 9-14. No new matter has been added. The Examiner's rejections are respectfully traversed.

IV. The Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 5, 7-9, 20 and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Mir and the

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'699 publication. The Examiner's rejections are respectfully traversed.

Claims 5 and 20 are directed towards an interactive wagering method and system that provide a wager input interface having a plurality of wager requirements and a plurality of selectable options for each of the plurality of wager requirements. The wager requirements are displayed so that each wager requirement is substantially aligned in a first dimension. The selectable options for each of the plurality of wager requirements are displayed so that the selectable options which correspond to a wager requirement are substantially aligned in a second dimension with respect to that wager requirement.

Mir refers to a system that allows users to place parimutuel wagers on past events. FIG. 4 of Mir shows three wager requirements (i.e., wager amount selection, wager type selection and runner selection) in a column along the left-hand side of the display screen. Mir, however, fails to show or suggest providing a wager input interface having a plurality of wager requirements substantially aligned in a first dimension, where the plurality of wager requirements comprises **track selection, race selection**, wager type selection, horse selection

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and wager amount selection, as specified in applicants' claims 5 and 20.

The Examiner contended in the December 10, 2003 Office Action and in the January 22, 2004 telephonic interview that even though FIG. 4 of Mir does not show a track selection and a race selection, it would be obvious to one of ordinary skill in the art to include these additional wager requirements (see Office Action, Response to Arguments, page 4). More specifically, the Examiner contends such a modification would simply be a matter of design choice. As discussed in the January 22, 2004 telephonic interview, applicants respectfully disagree.

FIG. 4 of Mir is only displayed after a user has selected a particular track and race on at least one other screen (see Mir, column 9, lines 24-32). The displayed options in FIG. 4 are fixed or static because they are definitively known after the track and the race have been selected. However, if one were to incorporate the track and race wager requirements into FIG. 4 of Mir, all of the available options for the original wager requirements of FIG. 4 would not be known when the screen is originally displayed. For example, the horses

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available for a wager are not known until a track and race are selected.

Therefore, in order to incorporate the track and race wager requirements into FIG. 4 of Mir, one skilled in the art could not simply add these additional wager requirements to FIG. 4 without making other changes. Instead, one skilled in the art would need to modify the static display of the available options displayed in the original FIG. 4 and make the display of at least some of the original options dynamic based on user selections of the added track and race wager requirements. The Examiner, however, has failed to provide any motivation for making such a significant modification to Mir.

The undersigned discussed the foregoing with the Examiner in the January 22, 2004 telephonic interview. The Examiner appeared to agree with applicants' position in the January 22, 2004 telephonic interview. However, the Examiner stated that applicants' claims do not clearly present the relationship between the wager requirements (see, e.g., Interview Summary, Continuation Sheet, lines 7 and 8). The Examiner further stated that "an amendment showing the intended relationship between the wager requirements would enhance

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prosecution of the case" (Interview Summary, Continuation Sheet, lines 9 and 10).

Accordingly, in order to advance prosecution of the application, applicants have amended independent claims 5 and 20 to include that "the plurality of selectable options for a subsequent one of the wager requirements depends on a selection of one of the plurality of selectable options for a previous one of the wager requirements." This amendment clearly shows that there is a relationship between two wager requirements. In addition, new dependent claims 35-44 define the relationship between the wager requirements more particularly.

In view of the foregoing, because there is no motivation to modify FIG. 4 of Mir, and because the Examiner agreed that applicants' amendment would enhance prosecution of the application, the rejection of independent claims 5 and 20 and dependent claims 7-9 and 22-24 under § 103(a) should be withdrawn.

V. New Claims


As stated hereinabove, new claims 35-44 have been added. New claims 35-39 and 40-44 are dependent from claims 5 and 20, respectively, and are allowable at least because claims 5 and 20 are allowable.

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VI. Conclusion

The foregoing demonstrates that claims 5, 7-9, 20, 22-24 and 35-44 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance of this application are accordingly respectfully requested.

Respectfully submitted,



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